

REMARKS

After entry of the above amendments, claims 24-45 will be pending in the present application. Claims 1-23 have been cancelled. New claims 24-45 have been added. Support for the new claims can be found in the claims as originally filed and in the specification. Applicant reserves the right to pursue any cancelled claim in a continuation application. No new matter has been added.

Claim Rejections

Previously pending claims 1, 3-8, and 10-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,711,660 to Milne et al. (hereinafter "Milne"). Claims 14 and 16-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Milne in view of U.S. Patent No. 6,301,666 to Rive (hereinafter "Rive"). Claims 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Milne in view of U.S. Patent App. Pub. No. 2005/0033855 to Moradi et al. (hereinafter "Moradi"). Claims 2 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Milne in view of U.S. Patent No. 6,772,330 to Merkin (hereinafter "Merkin"). Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Milne, in view of Rive, and further in view of Merkin.

Newly added claim 24 recites:

24. A method for protecting data in a data processing system, the method comprising:
partitioning a hard disk of the data processing system into one or more hidden partitions and one or more non-hidden partitions;
storing a first application and data associated with the first application in the one or more non-hidden partitions;
replacing the first application with a second application; and

moving the data associated with the first application from the one or more non-hidden partitions to the one or more hidden partitions to prevent the second application from accessing the data associated with the first application.

Milne is directed to “a computer system and method for performing disk drive diagnostics and restoration using a host-inaccessible hidden partition” (col. 1, lns. 11-13 of Milne). One of the passages of Milne cited by the Examiner states:

FIG. 3 is a flow diagram illustrating exemplary logic for loading a restorable user system image and diagnostics software in the hidden partition 22. A user partition 52 and hidden partition 56 are created as shown in FIG. 2 (step 100). Diagnostic software is stored in the hidden partition 56 (step 101). A user preferred operating system, also known herein as a host-selected operating system, is loaded in the user area of the user partition 18 (step 102). Configuration data is also loaded in the user area 18 (step 104). Configuration data includes data specific to the computer system components and/or the host-selected operating system. A restorable user system image that includes the host-selected operating system and the configuration data (factory image) is created (step 106). The restorable user system image is loaded in the hidden partition 56 (step 108). Typically, the disk drive manufacturer performs the steps of creating the user partition and the hidden partition (step 100) and loading the diagnostic software in the hidden partition (step 101). The hidden partition delivered by the disk drive manufacturer includes application software that allows the computer system manufacturer to perform the remaining logic in FIG. 3, e.g., creating and loading a restorable user system image (steps 106 and 108). After the logic of FIG. 3 has been performed, the computer system is ready to be delivered to a consumer or user. Use of the computer system 10 having diagnostics and a restorable user system image in a hidden partition 56 is described next.

(Col. 4, ln. 54 to col. 5, ln. 13 of Milne).

Although Milne discusses having both a hidden partition and a user partition, loading a host-selected operating system and configuration data specific to the host-selected operating system in the user partition, creating a restorable user system image of the host-selected operating system and the configuration data, and loading the restorable user system image in the hidden partition, it does not disclose, teach, or suggest “moving the data associated with the first application from the one or more non-hidden partitions to the one or more hidden partitions to

prevent the second application from accessing the data associated with the first application,” as recited in claim 24.

Specifically, in Milne, the configuration data specific to the host-selected operating system is not moved from the user partition to the hidden partition, but rather a backup copy of the configuration data is created and loaded in the hidden partition. Thus, in Milne, both the user partition and the hidden partition have a copy of the configuration data.

In contrast, claim 24 recites “moving the data associated with the first application from the one or more non-hidden partitions to the one or more hidden partitions.” In other words, once the “data associated with the first application” is moved “from the one or more non-hidden partitions to the one or more hidden partitions”, the “data associated with the first application” is no longer stored in the one or more non-hidden partitions because if “data associated with the first application” remains in the one or more non-hidden partitions, then the “second application” would not be prevented from accessing the “data associated with the first application.”


Accordingly, based at least on the reasons above, Applicant respectfully submits that claim 24, and the claims that depend therefrom, are not anticipated by Milne. Since Rive, Moradi, and Merkin do not cure the deficiencies of Milne, it is respectfully submitted that claim 24, and the claims that depend therefrom, are also patentable over Milne, in view of Rive and Moradi, and further in view of Merkin. Given that claims 30, 35, and 41 each recite elements similar to those of claim 24, Applicant respectfully submits that those claims, and the claims that depend therefrom, are not anticipated by Milne and are patentable over Milne, in view of Rive and Moradi, and further in view of Merkin for at least the same reasons.

CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,
SAWYER LAW GROUP LLP

Dated: November 16, 2006


Erin C. Ming
Attorney for Applicant(s)
Reg. No. 47,797
(650) 475-1449